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In re Application of
HAMMOND, Geoffrey Robert et al.
Application No.: 10/597,550
PCT No.: PCT/GB2005/000343
Int. Filing Date: 01 February 2005
Priority Date: 18 February 2004
Docket No.: 102792-603 (11302P1 US)
For: CLEANING DEVICE

DECISION

ON PETITION UNDER

37 CFR 1.47(a)

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 01 October 2008.

BACKGROUND

On 02 June 2008, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 01 October 2008, applicants filed a petition under 37 CFR 1.47(a) accompanied by a declaration of the inventors.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1) and (4) have been satisfied. The \$200 petition fee has been paid. The declaration of the inventors complies with 37 CFR 1.497(a)-(b) and 37 CFR 1.47.

Item (2) has not been satisfied. Applicants must establish that the inventor has refused to sign the declaration after presentation with a complete copy of the application papers. Applicant has not provided a first hand declaration by the person who prepared the package or mailed it stating that the enclosures were present. Further, applicants has not detailed any efforts to followup on the letter to confirm that the address is still valid and that the inventor received the

communications. Applicants have not made of record the signature that signed for the package or stated the name of the person who signed for the package. Facts supporting such a showing should be made of record by way of a first hand declaration of the facts. Supporting documentation should be provided.

Finally, the decisions in the other applications before the Office are of limited value as each petition is decided on the record of the individual application and the most recent of those decisions was more than two years ago.

Item (3) has not been satisfied. The petition does not state the last known mailing address of the non-signing inventor.

CONCLUSION

For the above reasons, applicant's petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time under 37 CFR 1.136(a) are available. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter may be filed via EFS-Web or if mailed, should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

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